

January 6, 2003

Federal Aviation Administration
Office of Chief Counsel
ATTN: Rules Docket (AGC-10)
800 Independence Avenue, SW
Washington DC 20591

Dear Sir:

SUBJECT: PETITION FOR EXEMPTION TO 14CFR 135

In accordance with 14CFR 11.25, Abilene Aero, Inc. hereby petitions the Federal Aviation Administration for an exemption to 14CFR 135.143. Part 135.143 requires that after January 1 1992, any transponder not meeting the requirements of TSO-C112 (Mode S) may not be newly installed on any aircraft operating under the provisions of Part 135.

Due to difficulties in manufacturing Mode S transponders, the FAA amended the installation and manufacturing cutoff dates to July 1, 1992 and January 1, 1991 respectively (Amendment No. 91-210; 54 FR 25681, June 16 1989). On January 4 1991, the FAA removed the manufacturing cutoff date associated with Mode S transponder requirement in response to inventory shortfalls reported by transponder manufactures (Amendment No. 91-221; 56 FR 467). The installation cutoff date for operations conducted under FAR Part 135 was not removed. However, on May 29, 1992 the FAA did rescind the Mode S installation requirements for operations under Part 91.

This petition is in the best interest of the public from both a safety and economic perspective.

An integral part of the Mode S rule is the ground-based sensor. These sensors, when combined with Mode S transponders, better enable Air Traffic Control to track aircraft and thereby reduce the likelihood of mid-air collisions. However, the ground sensors and Mode S transponders provide no more benefit than advanced solid-state Mode A transponders. Thus there would not be an unacceptable reduction in aviation safety as the result of the proposed exemption.

The proposed rule would generate benefits in the form of cost relief not only to us as a Part 135 operator, who would be required to install Mode S transponders, but also for our customers, the flying public. The average price of a Mode S transponder is \$3500 compared to \$1500 for a mode C transponder. This additional expense would be passed on to the flying public.

Abilene Aero, Inc further requires that this petition not be held up by publishment in the Federal Register. The delaying of this petition for publishment in the Federal Register would place significant economic hardship on us as a Part 135 operator.

In view of the fact that safety would not be impacted, but economically, aircraft operations will, Abilene Aero, Inc. encourages you to expeditiously grant this petition for exemption. If you have any additional comments concerning this petition, you may contact me at 915-677-2601.

Sincerely,

Thomas G. Tomaras
Director of Operations
Abilene Aero
cc: Lubbock FSDO

The following aircraft would apply for this exemption:

N110AA S/N TH517
N66795 S/N TH-1082
N116HA S/N 414A0501
N1143T S/N E1139

Or, any aircraft as listed on our Part 135 Operations Specifications at the date of issuance of this exemption may be operated when equipped with any TSO-C47B or TSO-C47C transponder.